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May 5, 2023

BY ECF

Hon. Jennifer L. Rochon
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

RE: *Fromer v. Manhattan West Associates, L.P., et al.*
23cv1270 (JLR)(NS)

Dear Judge Rochon:

I represent the plaintiff in the above-referenced action and write jointly with Defendants (collectively, the “parties”) to respectfully request an extension of the deadline to participate in mediation and adjournment of the initial conference, which is currently scheduled for June 1, 2023. This is parties’ first request for an adjournment and the request does not affect any other deadlines in this matter

On February 15, 2023, Plaintiff Cynthia Fromer, an individual with cerebral palsy, commenced the instant action alleging Defendants Manhattan West Associates, L.P. and T.U.C. Management Company, Inc., a landlord and management company, respectively, failed to make a reasonable accommodation and forced Ms. Fromer to live in an apartment with a severe infestation of bedbugs since August 2022. Making matters worse, during all relevant times, Defendants have been aware that Ms. Fromer urgently requires personal care assistants (PCA) and the home care agency would not send any PCAs until the bedbugs were eradicated. Nonetheless, Defendants did nothing to eradicate the bedbugs or transfer Ms. Fromer to a temporary apartment or hotel. Plaintiff seeks a permanent injunction, compensatory and punitive damages, and attorney’s fees and costs. Furthermore, Plaintiff seeks a preliminary injunction requiring Defendants to make a reasonable accommodations to : (1) temporarily move Ms. Fromer to an accessible apartment or suitable hotel room while her apartment and personal belongings are being treated for bedbugs; (2) assist in properly packing her personal items; (3) provide thorough bedbug treatment to Ms. Fromer’s apartment, furniture, personal items and

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clothing; (4) pay for the moving expense to move Ms. Fromer's personal items to and from the accessible apartment or hotel; and (5) verify the bedbugs have not re-infested the apartment, furniture, bed and personal items before Ms. Fromer returns to her apartment.

Defendants' attorney, Jeffery Rejan, and I have discussed the allegations and relief sought and Defendants are willing to attempt to address the situation by arranging for additional extermination. However, the Defendants contend that Plaintiffs must remove certain items from the apartment for extermination to be effective.

Defendants recently had a default in this matter vacated and Plaintiff is currently in a rehabilitation hospital. As such, the parties are not in a position to proceed with mediation at this time and will require time to address the issue. Only then can reasonable mediation take place.

Additionally, Defense counsel is scheduled to be at trial before Judge Eric Vitaliano at the Eastern District Court of New York for three weeks beginning on Monday, May 8, 2023.

Under the circumstances, parties respectfully request that the deadline to participate in mediation be extended until mid-July and the Rule 16 conference be adjourned to take place thereafter.

We thank you very much for your consideration and are available to address any questions the court may have.

Respectfully,

/s/ James E. Bahamonde

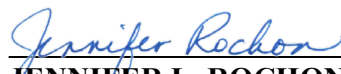
James E. Bahamonde, Esq.

cc: (via ECF)
Jeffrey N. Rejan, Esq.
Malapero Prisco & Klauber LLP
Attorneys for Defendants

Request **GRANTED**. The initial pretrial conference is hereby adjourned to **August 17, 2023 at 10:30 a.m.** The deadline to participate in mediation is extended to **August 3, 2023**.

Dated: May 5, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge